

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

MEAGHER, Timothy, J.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. Box 9133  
Concord, MA 01742-9133  
ETATS-UNIS D'AMERIQUEDate of mailing (day/month/year)  
17 April 2008 (17.04.2008)Applicant's or agent's file reference  
3682.1001007

## IMPORTANT NOTICE

International application No.  
PCT/US2006/038322International filing date (day/month/year)  
02 October 2006 (02.10.2006)Priority date (day/month/year)  
03 October 2005 (03.10.2005)

Applicant

GRYPHON NETWORKS CORP. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

RECEIVED  
HAMILTON, BROOK,  
SMITH & REYNOLDS, P.C.

APR 28 2008

ATTORNEY/IPC/AC TSM/ANUS  
Docketed ✓ Already Docketed \_\_\_\_\_  
Not Required \_\_\_\_\_  
Initials 1st \_\_\_\_\_ Initials 2nd zfrThe International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Beate Giffo-Schmitt

C16

Facsimile No. +41 22 338 82 70

e-mail: pt03.pct@wipo.int

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 3682.1001007	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2006/038322	International filing date ( <i>day/month/year</i> ) 02 October 2006 (02.10.2006)	Priority date ( <i>day/month/year</i> ) 03 October 2005 (03.10.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GRYPHON NETWORKS CORP.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet.																								
	In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 40%;">Box No. I</td> <td style="width: 50%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date of issuance of this report 08 April 2008 (08.04.2008)</td> <td style="width: 50%;">Authorized officer</td> </tr> <tr> <td></td> <td style="text-align: center; vertical-align: middle;"> <b>Beate Giffo-Schmitt</b> </td> </tr> <tr> <td colspan="2">e-mail: pt03.pct@wipo.int</td> </tr> </table>	Date of issuance of this report 08 April 2008 (08.04.2008)	Authorized officer		<b>Beate Giffo-Schmitt</b>	e-mail: pt03.pct@wipo.int	
Date of issuance of this report 08 April 2008 (08.04.2008)	Authorized officer						
	<b>Beate Giffo-Schmitt</b>						
e-mail: pt03.pct@wipo.int							
Facsimile No. +41 22 338 82 70							

# INTERNET COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2006/038322

International filing date (day/month/year)  
02.10.2006

Priority date (day/month/year)  
03.10.2005

International Patent Classification (IPC) or both national classification and IPC  
INV. H04M3/38

Applicant  
GRYPHON NETWORKS

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Cremer, Jan

Telephone No. +49 89 2399-6954



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2006/038322

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2006/038322

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-38
Inventive step (IS)	Yes: Claims	
	No: Claims	1-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. *Citations*

D1: US 2005/074114 A1 (FOTTA KEITH A [US] ET AL) 7 April 2005 (2005-04-07)  
D2: MUTUAL OF OMAHA: "Do Not Call" FAQs"[Online] 8 March 2004 (2004-03-08),  
pages 1-4, XP002413820 Retrieved from the Internet:  
URL:[http://www.mwlb.com/grow\\_your\\_business/docs/gryphonsystem.pdf](http://www.mwlb.com/grow_your_business/docs/gryphonsystem.pdf)>  
[retrieved on 2007-01-09]

2. *Invention as understood from the description*

- 2.1 According to page 1, last paragraph of the application, systems exist for handling DNC compliance management as well as for accommodating cases in which a blocked or prohibited number may be reached based on certain exemptions. It seems that the invention is seen in that a calling card type access can be used to access a DNC compliance management system.

3. *CLAIM 1*

- 3.1 The subject-matter of claim 1 is **not new** in the sense of Article 33(2) PCT because D1 discloses (the references in parentheses applying to this document) a method of providing call compliance, the method comprising:
- receiving a call from a caller on an incoming connection (paragraph [100], "The IVR system 111 receives the incoming call");
  - receiving an authentication number from the caller on the incoming connection (paragraph [100], "the agent is prompted to enter their Office Code 146b (via DTMF keys)" or "the agent is prompted to enter the agent's PIN code 146 (via DTMF keys)");
  - verifying the authentication number against an account database to evaluate corresponding account information (paragraph [100], "The Office Code is verified" or "agent's PIN code 146 (via DTMF keys) verified");
  - enabling the caller on the incoming connection to initiate an outgoing call on an outgoing connection based on account information;

- receiving over the incoming connection an identifier of a destination to which a call is to be initiated over the outgoing connection (paragraph [100], "enter destination telephone numbers to be dialed");
- providing call compliance treatment to the outgoing call to the destination (paragraph [100], "verify that the requested telephone number is permitted"; and
- updating account information based on the outgoing call (paragraphs [100] and [101], "At the end of the call, the agent is prompted to enter a final status code (##, #0-9) for the call.", "If the final status was entered as "#0", the last dialed number will be automatically added to the agent's client DNC list.").

#### 4. *DEPENDENT CLAIMS 2-17*

- 4.1 Dependent claims 2-17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) because the passages cited in the search report either disclose the claimed features or disclose teachings which make their application obvious to a skilled person.

#### 5. *INDEPENDENT CLAIM 18*

- 5.1 The subject-matter of claim 18 is not new in the sense of Article 33(2) PCT for the following reasons. Independent claim 18 comprises all the steps of claim 1 except of "updating account information" and adds three steps of how call compliance treatment is provided. However, D1 discloses (the references in parentheses applying to this document) providing call compliance treatment by
- (1) checking a do-not-call database for an indication of whether the destination for that received identifier is a do-not-call destination (paragraph [0125], "the DNC gateway servers 122 checks the request destination telephone number for any restrictions, e.g., checking the number against DNC lists";
  - (2) if it is determined that the destination for that received identifier is a do-not-call destination, blocking the outgoing call from taking place (paragraph [0126], "the IVR application ... plays a message to the client caller stating a reason why the call will be blocked"); and
  - (3) if it is determined that the destination for that received identifier is not a do-not-call

destination, allowing the outgoing call to take place over the outgoing connection (paragraph [0126], "the IVR application 114 either allows the call to proceed (and places the outbound call via a bridge to the inbound call)").

6. *CLAIMS 19-38*

- 6.1 The system, calling card and computer readable medium claims relate to means specifically adapted to perform the method steps of claims 1-18. Therefore, the same arguments apply mutatis mutandis.